

City of Graham

City Council Meeting Minutes October November 12, 2024



The City Council of the City of Graham held a regularly scheduled meeting at 6:00 p.m. on November 12, 2024, in the Council Chamber, City Hall Municipal Building at 201 South Main Street, Graham, NC.

Council Members Present:

Mayor Jennifer Talley
Mayor Pro Tem Ricky Hall
Council Member Bobby Chin
Council Member Joey Parsons
Council Member Bonnie Whitaker

Staff Present:

Megan Garner, City Manager
Aaron Holland, Assistant City Manager
Bryan Coleman, City Attorney
Bob Ward, City Attorney
Renee Ward, City Clerk

CALL TO ORDER: Mayor Jennifer Talley

INVOCATION & PLEDGE OF ALLEGIANCE – Mayor Pro Tem Hall gave the invocation and all stood for the Pledge of Allegiance.

RECOGNITION: Graham Firefighters and Police Officers – Deployed to Western NC – Hurricane Helene

The City Council recognized officers from the Fire and Police Departments for aiding services in Western NC due to Hurricane Helene.



Pictured left to right: **Fire:** Captain Michael Quigley, Engineer John Perez, Engineer Ryker Pawloski, Engineer Matthew Bradsher, Engineer James Allen, Engineer Clay Davis, Engineer Daniel Holt, and Captain Jason Moore
Police: COP Officer Maldonado, Lt. T. Barnes, COP Sgt. Kimball, COP Cpl. Sakin, COP Officer Jordan

REPORT: NCLM – Joseph Graziano – Police Department Risk Assessment Results

Due to an unforeseen conflict, the presentation will be heard at a later Council meeting.

CONSENT AGENDA:

- A. To approve the October 8, 2024, Council Meeting minutes.
- B. To approve a budget amendment recognizing \$1,400.00 in the State Drug Forfeiture Revenue account for use.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS					
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
State Drug Fund Balance	-	1,400.00	1,400.00		1,400.00
	-	1,400.00	1,400.00	-	1,400.00
Section 7.					
CAPITAL PROJECTS AND OTHER SPECIAL FUNDS					
EXPENDITURES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Federal Drug Funds	\$0.00	\$1,400.00	1,400.00		1,400.00
	-	1,400.00	1,400.00	-	1,400.00
Adopted this 12th day of November 2024.					

- C. To approve the following 2025 City Council meeting dates and 6:00 pm meeting time:
(Please note, due to Veteran's Day, the November Council Meeting will be held on November 4th)

January 14	February 11	March 11	April 8	May 13	June 10
July 8	August 12	September 9	October 14	November 4	December 9

- D. To approve a budget amendment of \$595,000 for the purchase of three parcels totaling 12.056 acres adjacent to Bill Cooke Park from the Teer Family.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Athletic Facilities - Capital Outlay (10-6220-7300)	30,000.00	625,000.00	595,000.00		595,000.00
	30,000.00	625,000.00	595,000.00	-	595,000.00
Section 2.					
REVENUES	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	\$1,286,532.00	\$1,881,532.00	595,000.00		595,000.00
	1,286,532.00	1,881,532.00	595,000.00	-	595,000.00
Adopted this 12th day of November 2024.					

- E. To approve a budget amendment of \$162,155 for the cost of upgrading four traffic signals at the intersections of Marshall Street and Elm Street, Pine Street and Marshall Street, Pine Street and Melville Street, and Marshall Street and Albright Avenue.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Street Lights - Capital Outlay (10-5500-7400)	63,000.00	225,155.00	162,155.00		162,155.00
	63,000.00	225,155.00	162,155.00	-	162,155.00
Section 2.					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Fund Balance Appropriation	\$1,881,532.00	\$2,043,687.00	162,155.00		162,155.00
	1,881,532.00	2,043,687.00	162,155.00	-	162,155.00
Adopted this 12th day of November 2024.					

- F. To approve a Project Budget Ordinance for the Recreation Center's Accessible Parks Grant Improvements Project for \$119,437 with a local match of \$26,250 for ADA entryway doors and an ADA Family restroom.

CAPITAL PROJECT ORDINANCE

Recreation Center's Accessible Parks Grant Improvements Project

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM, NORTH CAROLINA, that pursuant to Section 13.2, Chapter 159 of the General Statutes of North Carolina, the following Capital Project Ordinance is hereby adopted:

Section 1. The Project authorized is the Recreation Center's Accessible Parks Grant Improvements Project.

Section 2. The officials of the City of Graham are hereby directed to proceed with this project within the terms of the project. Staff is authorized to execute change orders within the budget ordinance.

Section 3. The following revenues are anticipated to be available to the City to complete the project:

Accessible Parks Grant Funding \$119,437

Section 4. The following amounts are appropriated for this project:

Local Match \$26,250

Section 5. The Finance Director shall report on the financial status of this project as directed by the City Council and will inform the Council of any unusual occurrences.

Section 6. Copies of this project ordinance shall be made available to the City Manager and the Finance Director for direction in carrying out this project.

Section 7. This ordinance shall take effect upon passage.

This the 12th day of November 2024.

- G. To approve a budget amendment appropriating funds for \$150,000 to purchase additional water meters.

CITY OF GRAHAM					
BUDGET AMENDMENT ORDINANCE					
2024-2025					
BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAHAM THAT					
THE 2024 - 2025 BUDGET ORDINANCE SHALL BE AND IS HEREBY AMENDED AS FOLLOWS:					
Section 1.					
EXPENDITURES					
DEPARTMENT/ACCOUNT	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Meter Valves & Hydrants	300,000.00	450,000.00	150,000.00		150,000.00
			150,000.00	-	150,000.00
Section 2.					
REVENUES					
	APPROVED	AMENDED	INCREASE	(DECREASE)	INCREASE (DECREASE)
Water Connection Fees	250,000.00	325,000.00	75,000.00		75,000.00
Sewer Connection Fees	250,000.00	325,000.00	75,000.00		75,000.00
		650,000.00	150,000.00	0.00	150,000.00
Adopted this 12th day of November 2024.					

- H. To approve the acceptance of a Kaleidoscope Sculpture created by Robert C. Anderson as a gift honoring Cary Worthy, retired Executive Director of Alamance Arts, and to install the sculpture at Graham Regional Park.

- I. To approve a revision to the Personnel Policy regarding the Christmas holiday schedule for employees except for Public Works and Utilities Departments to Tuesday, December 23, Wednesday, December 24, and Thursday, December 25.

- J. To approve tax releases in the amount of \$1,549.70.

CITY OF GRAHAM			
RELEASE ACCOUNTS			
NOVEMBER			
ACCT #	YEAR	NAME	REASON FOR RELEASE
			AMOUNT RELEASED
148889	2024	ROGER E OWENS LIFE ESTATE	RECVD VALUE APPEAL IN 2023, FIX FOR 2024
143701	2024	MINOR, RANDY & JULIA	QUALIFIED FOR SENIION CITIZEN EXEMPTION
15170	2024	10 FEDERAL LLC	VALUE ERROR IN LISTING AT ALA CO
15171	2024	10 FEDERAL LLC	VALUE ERROR IN LISTING AT ALA CO
16169	2024	10 FEDERAL LLC	DOUBLE BILLED WITH #15170
16170	2024	10 FEDERAL LLC	DOUBLE BILLED WITH #15171
16690	2024	OBAUGH, JOSHUA	DOES NOT LIVE IN CITY LIMITS
13178	2023	OBAUGH, JOSHUA	DOES NOT LIVE IN CITY LIMITS
16558	2024	ELLIOT, SANDRA (VI-DELL'S)	BUSINESS CLOSED JAN 2023
16150	2024	BRITT, WILLIAM	DOES NOT LIVE IN CITY LIMITS (HAD PO BOX)
15191	2024	MORGAN, STEVEN LYNN	DOES NOT LIVE IN CITY LIMITS
15149	2024	ESCUDEIRO, OMAR	MH DOUBLE LISTED IN WIFE'S NAME
14289	2024	CRESO CAPITAL INC	SOLD VEH JUNE 2023
16159	2024	BRITT, SHARA	DOES NOT LIVE IN CITY LIMITS
15059	2024	THORNTON, CHARLES	BOAT NOT IN THE CITY LIMITS
11918	2024	THORNTON, CHARLES	BOAT NOT IN THE CITY LIMITS
14589	2024	STANFIELD, TOBY	DID NOT OWN JAN 2024
340	2024	CARTER, JANICE LEONARD	QUALIFIED FOR SENIION CITIZEN EXEMPTION

Motion by Mayor Pro Tem Hall to approve the consent agenda items, seconded by Council Member Parsons. The motion passed unanimously.

PUBLIC HEARINGS:

1. REZONING – 4.7 ACRES – Off HANOVER ROAD AND JEFFREYS STREET

A public hearing was scheduled to consider rezoning 4.7 acres from I-1, Light Industrial, and R-G, General Residential, to C-R, Conditional Residential, to construct 53 townhomes off Hanover Road and Jeffreys Street.

Mayor Talley stated the petitioner had requested to table the rezoning at the December 10, 2024 Council meeting.

Mayor Talley stated she owned property close to the proposed property to be rezoned and asked to be recused from any considerations of this item.

Council Member Whitaker motioned to allow Mayor Talley to be recused from consideration of the rezoning located off Hanover Road and Jeffrey's Street, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

Motion by Council Member Whitaker to table the rezoning for 4.7 acres located off Hanover Road and Jeffrey's Street to the December 10, 2024, City Council meeting, seconded by Council Member Parsons. The motion passed unanimously. (Mayor Talley did not vote.)

Motion by Council Member Whitaker to allow Mayor Talley back to open session, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

2. AMENDMENT – DEVELOPMENT ORDINANCE – DISTANCE OF RECREATIONAL OPEN SPACE

City Council considered an Ordinance amendment to Article 4, Division 12, Section 10.249, Open Space Provisions for R-12, R-15, and R-18 Zoning Districts in the Development Ordinance adding location requirements for Recreation Open Space.

Assistant City Manager Holland stated Council had asked staff to revisit the recently approved open space language and include a requirement of distance from dwellings where the recreational open space requirement from ¼ to 1/8 is placed within specific areas throughout a subdivision. He stated he did not think it was necessary based on the language Council approved a few months ago since it forces the developer to integrate an open space within the flow of the subdivision.

The council will keep the original language in place. No action is required.

NEW BUSINESS:

3. BOARDS AND COMMISSION APPOINTMENTS

City Council will consider appointments to the following Boards and Commissions:

Appearance Commission/Tree Board

Vacancy – 1

Applicants: Emily O'Dell | Ben Beushausen

Graham Historical Museum Board

Vacancy – 1

Applicants: Gail Walker | Dr. Thomas Matherly

Historic Resources Commission

Vacancies – 2

Applicants – Ben Beushausen | Dr. Thomas Matherly

Mayor Talley nominated Gail Walker for the Graham Historical Museum, Emily O'Dell for the Appearance Commission/Tree Board, and Ben Beushausen for the Historic Resources Commission.

Mayor Pro Tem Hall motioned to approve Mayor Talley's recommendations, seconded by Council Member Parsons. The motion passed unanimously.

4. SELECT FIRM – GRAHAM REGIONAL PARK MASTER PLAN

City Council will consider selecting Benesch as the vendor for the Graham Regional Park Master Plan and approve a budget amendment not to exceed \$55,000.

Recreation and Parks Director Brian Faucette stated that he had read the three proposals before the Council to consider and was ready to answer questions.

Mayor Talley stated there was an astounding difference in price and could he explain the difference.

Mr. Faucette stated Master Plans were not in his realm of expertise. However, after holding meetings with the community and getting to know the community's needs there were differences in the number of plans that were proposed to be developed. He stated each firm offered from one plan to three draft plans.

Mayor Pro Tem Hall asked if the staff was comfortable with the recommended firm.

Mr. Faucette stated he was comfortable with either WithersRavenel or Benesch, who both had previously worked in the city.

City Manager Megan Garner stated last year at the December City Council Planning Retreat one of the key strategic actions was to explore options to build a sports/multi-use complex. She stated Recreation sent out an RFP and received three proposals. Ms. Garner highlighted details from the following email sent by a WithersRavenel representative identifying the differences between the various price points. She stated City staff had not prepared this.

Email: October 21, 2024

From: Kristen Herndon, WithersRavenel

The differences between our services and those defined by the other consultants are process-related, particularly the level of effort associated with community engagement as well as environmental due diligence and design. Our approach and the level of effort for engaging the community are directly related to our earlier conversations and some of your experiences in the past. Other strengths of our team are

- Our expertise in funding
- Local presence and knowledge
- Commitment to quality and level of detail. This master plan needs to be compliant with permitting regulations and serve as a solid foundation for construction documents ...i.e. limited surprises moving into construction plans
- **Community involvement:** More community involvement to create support and a sense of ownership.
 - **Community engagement:**
 - More inclusive plan for community engagement with more opportunities for input and involvement.
 - Not reflective of the necessary level of community engagement.
 - **Community workshops:**
 - Four community events and more than two community surveys.
 - Only providing one community workshop and one survey
 - **Community review:**
 - Allows for community review and input on alternative concepts and draft master plan.
 - No allowance for community review or input on the proposed master plan.
- **Environmental documentation:**
 - Deeper documentation of environmental constraints and focus on permitting.
 - **Site constraints:**
 - Includes evaluation of environmental factors critical for compliance with permit regulations.
 - No mention of considering existing site constraints (e.g., streams, wetlands).
- **Design:**
 - **Concept Plan Alternatives:**
 - Providing three conceptual design alternatives for consideration
 - Combining ideas into a final plan based on community and stakeholder input.
 - Only providing one draft and final proposed master plan.
- **Funding experience:** More experience in funding.
- **Staff location:**
 - Local staff with a history with the project.
 - Primarily from Charlotte.
- **Detail level:**
 - More detailed in terms of service and clearly defined deliverables
 - Generally vague and limited in detail.

Our proposed level of effort is comprehensive and aligns with the Council's end goals, our previous discussions, and our understanding of what Graham deserves. Building community support for this project requires a thorough process as outlined in our proposal. Our project approach will ensure a sense of ownership within the community by providing multiple and varied opportunities for input and providing multiple options and choices through design. We are committed to delivering what it takes to achieve success and would love to work with you on this project.

Mayor Talley expressed the importance of community input and the consultants' familiarity with the community. She asked if the City chose Benesch, could the Council have an opportunity to review the initial draft to give input and direction before the final plan was produced and not just give us the plan and walk away.

City Manager Garner stated each area had its uniqueness so you cannot necessarily plug and play a plan that would work for Graham in the same way as other jurisdictions. She stated staff would work with any firm selected, and said you would get more community engagement and a wider shot at your plan with WithersRavenel, but it would come at a cost. Ms. Garner stated you would get the drafts and community and Council input to determine the best direction for the community. She said staff wanted a plan that would not sit on a shelf but be a usable plan that would be used as a guide for Recreation.

Mayor Talley stated this was a professional hiring and was not obligated to take the low bid.

City Manager Garner stated Council would not have to take the low bid.

Council Member Whitaker asked what the price difference was between the bids.

Mayor Talley stated it was from \$55,000 to 90,000 to \$115,000.

Tom Boney, Alamance News, shared that if you go above \$100,000, it would require a bid process.

City Manager Garner stated the statutes dealt with the purchase of apparatus, equipment, or construction, and this was a service contract, which is largely absent from the statutes and the process. She stated that staff issued an RFP and received three proposals, but did not require them to be an engineer, architect, or construction manager at risk, which was a subset of how to move within the statutes.

After the Council weighed in on the quality of work needed for the study and the importance of having multiple community meetings for input, it was determined that WithersRavenel would produce a more prolific study that would serve as a guide for years to come.

Motion by Council Member Whitaker to approve WithersRavenel as the vendor for the Graham Regional Park Master Plan and approve a budget amendment not to exceed \$115,000, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

OLD BUSINESS:

5. PEDESTRIAN PLAN UPDATE DISCUSSION

City Council will discuss the proposed City of Graham Pedestrian Plan Update.

(Continued from the September 10 and October 8, 2024, Council meetings.)

Assistant City Manager Holland stated he met with Mayor Talley to review her concerns and wanted her to have enough time to review the changes. He stated Council could approve the plan at next month's meeting.

PUBLIC COMMENT PERIOD

John Wooten, 387 Carolina Circle, Graham, shared concerns about a portion of Hanford Road, a four-way traffic stop at the Maaco Body Shop where there is excessive speeding. City Manager Garner will share this

with the police department to investigate and hopefully curb this issue.

Mayor Talley stated there was another traffic issue at Gilbreath Street with speeders.

Mayor Talley asked about the progress made regarding regulating boarding houses and Airbnb.

Assistant City Manager Holland stated the Planning Board was still reviewing it. He shared the challenges were due to court cases that have limited the enforcement levels the City can take on with Airbnb particularly because they are not looked at any differently from someone leasing out a house. He stated the biggest challenge was writing up something that could legally be enforced.

Dean Ward, Chair of the Planning Board, stated the biggest obstacle they are seeing is with boarding houses and how to enforce them.

Assistant City Manager Holland stated City staff was not legally allowed to go into someone's house and tell them they could not lease their house.

Mr. Ward stated the City did not have the means to enforce ordinances if language could be drafted. He stated the Planning Board was on a good path at drafting language to regulate boarding houses that can be enforced by City staff.

The committee had nothing but rave comments.

CITY STAFF COMMENTS

Assistant City Manager Holland asked if the Council wanted to hold a special meeting to approve the street closings for the Christmas Parade.

Mayor Talley asked if that could be done tonight if there was a consensus.

Mayor Talley motioned to approve the road closures for the December 7, 2024, Christmas Parade from 8:00 am to 1:00 pm from Parker Street to Main Street to McCadden Street to Graham Middle School, seconded by Mayor Pro Tem Hall. The motion passed unanimously.

CITY COUNCIL COMMENTS

Mayor Talley asked for more police presence downtown on the weekends due to a recent shooting and excessive drinking downtown.

Mr. Dean Ward shared an issue from a developer they were having with Alley, Williams, Carmen, and King, not getting information back to builders and developers in a timely manner.

Mayor Pro Tem Hall thanked everyone who helped make the Veteran's Day parade successful.

City Manager Garner reminded the Council of its December 16, 2024, Planning Retreat.

Council Member Whitaker asked about hiring a City engineer.

City Manager Garner stated that information had been provided in the list of Key Strategic Actions cost estimates for what it would take to hire an engineer, and there was no indication of support to move forward.

She stated staff submitted cost estimates on what it would take to fund an engineering department because you could not hire one engineer.

Assistant City Manager Holland stated it would take six to seven engineers to cover the same amount of area that Alley, Williams, Carmen, and King cover, which would cost about \$700,000 to \$800,000 per year.

City Manager Garner shared that the City issued an RFQ two fiscal years ago to bring on other engineering firms, so the City does not have to exclusively use one engineering firm. She stated the City had brought on WithersRavenel, not only for the Public Works side, but also for utilities or anything else that would come up, and the City brought on Hazen, not just for the Waste Water Treatment Plant project but also for day-to-day engineering needs.

Council Member Chin inquired about the review process through TRC and if they were doing their due diligence or requiring developers to take unnecessary steps.

Assistant City Manager Holland stated there were instances when the developer would have to make changes, especially when dealing with stormwater.

ADJOURNED

Motion by Mayor Pro Tem Hall to adjourn, seconded by Council Member Chin. The motion passed unanimously. The meeting adjourned at 7:52 p.m.

Renee M. Ward, CMC
City Clerk